

# **Subordinate Legislation Confirmation Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

This Bill's purpose is to prevent the revocation of certain subordinate legislation that, by virtue of the Act under which it is made, is revoked at a stated time unless earlier confirmed by an Act of Parliament.

This Bill relates to items of subordinate legislation made in the year ending with the close of 30 June 2021.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* provides that the Bill, when enacted, comes into force on the day after the date on which it receives Royal assent.

## **Part 1**

### **Preliminary provisions**

*Clause 3* states that the purpose of the Bill is to confirm certain confirmable instruments and annual confirmable instruments that, unless confirmed by an Act of Parliament, are—

- revoked at the applicable deadline under section 47C(1)(a) or (b) of the Legislation Act 2012; or
- taken after the applicable deadline to have been invalid for their past operation (because they have been revoked with effect before or on the deadline) under section 47D of the Legislation Act 2012.

Confirmation by Act is only to prevent those outcomes under those sections. It therefore does not generally—

- authorise, cure invalidities in, or validate defects in the instruments or the processes followed in making them; or
- affect or limit judicial review, or complaints processes, in respect of the instruments or the processes followed in making them.

*Clause 4* is the interpretation clause and defines the terms confirmable instrument and annual confirmable instrument.

*Clause 5* ensures that the Bill, when enacted, binds the Crown.

*Clause 6* repeals the Subordinate Legislation Confirmation Act 2020, which is now spent.

## **Part 2**

### **Confirmations**

*Clause 7* confirms 7 orders under the Biosecurity Act 1993.

*Clause 8* confirms 2 orders under the Commodity Levies Act 1990.

*Clause 9* confirms 2 orders under the Customs and Excise Act 2018.

*Clause 10* confirms an order under the Fisheries Act 1996.

*Clause 11* confirms an order under the New Zealand Superannuation and Retirement Income Act 2001 and the Social Security Act 2018.

*Clause 12* confirms 2 orders under the Social Security Act 2018.

*Clause 13* confirms an order under the Tariff Act 1988.

*Clause 14* confirms regulations under the Waste Minimisation Act 2008.

*Hon Chris Hipkins*

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Subordinate Legislation Confirmation Act **2021**.

## 2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

## Part 1 Preliminary provisions

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## 3 Purpose

The purpose of this Act is to confirm certain confirmable instruments and annual confirmable instruments that, unless earlier confirmed by an Act of Parliament, are—

- (a) revoked at the applicable deadline under section 47C(1)(a) or (b) of the Legislation Act 2012; or 10
- (b) taken after the applicable deadline to have been invalid for their past operation (because they have been revoked with effect before or on the deadline) under section 47D of the Legislation Act 2012.

## 4 Interpretation

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In this Act, unless the context otherwise requires, **confirmable instrument** and **annual confirmable instrument** have the same meanings as in section 47B of the Legislation Act 2012.

## 5 Act binds the Crown

This Act binds the Crown.

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## 6 Repeal

The Subordinate Legislation Confirmation Act 2020 (2020 No 66) is repealed.

## Part 2 Confirmations

## 7 Biosecurity Act 1993

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The following orders are confirmed:

- (a) Biosecurity (Readiness and Response—Fresh Vegetables Levy) Order 2020 (LI 2020/152):
- (b) Biosecurity (Readiness and Response—Process Vegetables Levy) Order 2020 (LI 2020/153): 30
- (c) Biosecurity (Response—Apples and Pears Levy) Order 2020 (LI 2020/154):
- (d) Biosecurity (American Foulbrood—Beekeeper Levy) Amendment Order (No 2) 2020 (LI 2020/155):

- (e) Biosecurity (Response—Winegrapes and Grape Wine Levy) Order 2020 (LI 2020/202):
- (f) Biosecurity (Readiness and Response—Horses and Horse Germplasm Levy) Order 2020 (LI 2020/203):
- (g) Biosecurity (Response—Apples and Pears Levy) Amendment Order 2020 (LI 2020/229). 5
- 8 Commodity Levies Act 1990**
- The following orders are confirmed:
- (a) Commodity Levies (Milksolids) Order 2020 (LI 2020/181):
- (b) Commodity Levies (Feijoas) Order 2020 (LI 2020/300). 10
- 9 Customs and Excise Act 2018**
- The following orders are confirmed:
- (a) Excise and Excise-equivalent Duties Table (Tobacco Products Indexation) Amendment Order 2020:
- (b) Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2021. 15
- 10 Fisheries Act 1996**
- The Fisheries (Alteration of Quota Management Area—Paua Kaikōura Coast) Order 2021 (LI 2021/153) is confirmed.
- 11 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 2018** 20
- The Social Security (Rates of Benefits and Allowances) Order 2021 (LI 2021/15) is confirmed.
- 12 Social Security Act 2018**
- The following orders are confirmed: 25
- (a) Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16):
- (b) Social Security (Rates of Main Benefits) Order 2021 (LI 2021/120).
- 13 Tariff Act 1988**
- The Tariff (PACER Plus) Amendment Order 2020 is confirmed. 30
- 14 Waste Minimisation Act 2008**
- The Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Amendment Regulations 2021 (LI 2021/68) are confirmed.

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